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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HENNING, MATTHEW T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/842,219	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	Matthew T. Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 September 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,26,51 and 54-85 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,26,51 and 54-85 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 April 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

1 This action is in response to the communication filed on 9/28/2007.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

7 A request for continued examination under 37 CFR 1.114, including the fee set forth in
8 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
9 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
10 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
11 37 CFR 1.114. Applicant's submission filed on 9/10/2007 has been entered.

Response to Arguments

13 Applicants' arguments filed 9/10/2007 have been fully considered but they are moot in
14 view of the new grounds of rejection presented below.

15 Claims 1, 26, 51, and 54-83, as well as new independent claims 84-85 have been
16 examined. Claims 2-25, 27-50, and 52-53 have been cancelled.

17 All objections and rejections not set forth below have been withdrawn.

Specification

20 The specification is objected to as failing to provide proper antecedent basis for the
21 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the
22 following is required: In this case, the specification is silent with respect to the newly added

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1 limitation that “the portable communication device is configured to communicate with the server
2 only after the read biological information and the stored biological information have matched”.

3 See the rejections under 35 USC 112 1st Paragraph below.

4 ***Claim Rejections - 35 USC § 112***

5 The following is a quotation of the first paragraph of 35 U.S.C. 112:

6 The specification shall contain a written description of the invention, and of the manner and process of making
7 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
8 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
9 contemplated by the inventor of carrying out his invention.

10
11 Claims 1, 36, 51, and 54-83 are rejected under 35 U.S.C. 112, first paragraph, as failing
12 to comply with the written description requirement. The claim(s) contains subject matter which
13 was not described in the specification in such a way as to reasonably convey to one skilled in the
14 relevant art that the inventor(s), at the time the application was filed, had possession of the
15 claimed invention. Although the specification does provide support for the fact that the portable
16 communication device does not require assistance from the server to perform the biometric
17 identification of the user of the device, the specification is silent with respect to the newly recited
18 limitation that “the portable communication device is configured to communicate with the server
19 only after the read biological information and the stored biological information have matched”.
20 Further, the sections cited by the applicants as allegedly showing support for this limitation, the
21 examiner does not see where the support is located in these sections of the specification. If the
22 applicants wish to contend that this limitation is supported by the specification, the examiner
23 would appreciate an explanation of how the support can be found.

24

25

1 *Claim Rejections - 35 USC § 103*

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
3 obviousness rejections set forth in this Office action:

4 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
5 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
6 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
7 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
8 manner in which the invention was made.

9
10 Claims 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al.

11 (Cl US Patent Number 6,219,793) hereinafter referred to as Li.

12 Li disclosed a system for identifying an individual to identify a client, said system
13 comprising: a storing means for storing the biological information of the client (See Li Fig. 4
14 Element 404, Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a reading means for reading the
15 biological information of the client (See Li Fig. 4 Element 417); a checking means for checking
16 the read biological information with the stored biological information (See Li Fig. 4 Element 401
17 and Col. 12 Lines 8-36); and a transmitting means for transmitting information to the server that
18 the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9), wherein
19 after transmitting information that the checking has matched to the server, a personal
20 identification number information is sent to the server (See Li Col. 15 Paragraphs 3-4) and that
21 upon providing the personal identification number information to the server, the stored biological
22 information can be rewritten (See Li Col. 15 Paragraphs 3-4), but failed to specifically disclose
23 that in a case that the personal identification number matches with a number stored at the server
24 the stored biological information can be rewritten.

25 However, it would have been obvious to the ordinary person skilled in the art that in the
26 case that the master user's personal identification number information matched a number stored

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1 at the server that the stored biological information could be rewritten. This would have been
2 obvious because the ordinary person skilled in the art would have been motivated to allow an
3 authorized user (a user who's fingerprint matches the master users fingerprint) to update the
4 biological information.

5

6 Claims 1, 26, 51, and 54-56, 59-70, 73-83 are rejected under 35 U.S.C. 103(a) as being
7 unpatentable over Li et al. (US Patent Number 6,219,793) hereinafter referred to as Li, and
8 further in view of Nagayoshi et al. (US Patent Number 6,839,798) hereinafter referred to as
9 Nagayoshi, and further in view of Scott et al. (US Patent Number 6,760,324) hereinafter referred
10 to as Scott.

11

12 Regarding claims 1 and 26, Li disclosed a system for identifying a client (See Li
13 Abstract), the system comprising a server and a portable communication device, wherein the
14 portable communication device comprises: a memory for storing at least one reference biological
15 information of the client using the portable communication device (See Li Fig. 4 Element 404,
16 Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a sensor for reading at least one biological
17 information of the client (See Li Fig. 4 Element 417); a checking circuit for checking the read
18 biological information with the stored biological information (See Li Fig. 4 Element 401 and
19 Col. 12 Lines 8-36); and a transmitting circuit for transmitting information that the read
20 biological information and the stored biological information have matched to the server in a case
21 where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9),
22 wherein the server is configured to transmit the information that the read biological information

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1 and the stored biological information have matched to a final end of transaction configured to
2 start a transaction with the client conditioned upon receipt of the information that the read
3 biological information and the stored biological information have matched (See Li Col. 16
4 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile memory;
5 or a second server, a transmitting circuit for transmitting information that the read biological
6 information and the stored biological information have matched to the second server in a case
7 where the checking has matched, wherein the second server is configured to transmit the
8 information that the read biological information and the stored biological information have
9 matched to a final end of transaction configured to start a transaction with the client conditioned
10 upon receipt of the information that the read biological information and the stored biological
11 information have matched, wherein the portable communication device is configured to
12 communicate with the second server only after the read biological information and the stored
13 biological information have matched.

14 However, Li did disclose that the portable communication device could be a phone (See
15 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
16 fingerprint capturing device including program code for processing, as well as temporary data (See
17 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
18 protocol to complete the connection" once the connection was authorized.

19 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
20 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as
21 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
22 1 Lines 6-18).

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1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
3 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
4 the ordinary person skilled in the art would have been motivated to provide the needed memory
5 to Li in a small packaging area at a small cost.

6 Scott teaches that in a telephone system, a phone call can be placed from one PSTN to
7 another PSTN over the Internet using Voice over IP and two gateway servers, one on each end
8 of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

9 It would have been obvious to the ordinary person skilled in the art at the time of
10 invention to employ the teachings of Scott in the telephone communication system of Li by
11 connecting the telephone communication from the phone 102 to the recipient of the
12 communication via the system of Scott. This would have been obvious because the ordinary
13 person skilled in the art would have been motivated to bypass expensive long distance carriers.

14 In this combination, the server which reads fully on the claim language is the Gateway Server
15 220, which would not receive a connection from the phone until the connection was authorized,
16 as taught by Li, and would receive the information that the read biological information and the
17 stored biological information have matched to a final end of transaction configured to start a
18 transaction with the client conditioned upon receipt of the information that the read biological
19 information and the stored biological information have matched.

20

21 Regarding claim 51, Li disclosed a business method using the Internet, said business
22 method comprising: identifying a client by an identifying element loaded in a portable

1 communication device (See Li Fig. 1 Elements 101, 102, and 112 and Fig. 4); and controlling a
2 communication between the client and a plurality of dealers (See Li Fig. 2 Element 202) by a
3 control element in a server (See Li Abstract, and Figs. 3A and 3B); wherein said identifying
4 comprises: storing a reference biological information of the client in a memory in the portable
5 communication device (See Li Fig. 4 Element 404 and Col. 10 Lines 57-65 and Col. 12 Lines
6 20-27); reading biological information of the client (See Li. Col. 10 Lines 57-58); checking the
7 read biological information with the reference biological information (See Li Col. 10 Lines 61-
8 65); and transmitting information that the read biological information and the reference
9 biological information have matched from the identifying element to the control element in a
10 case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-
11 9), and wherein said controlling step comprises: admitting the communication between the client
12 and the plurality of dealers after identifying the client by the identifying element (See Li Col. 11
13 Lines 19-60); and providing a password to the client (See Li Col. 10 Lines 48-56), and wherein
14 the server is configured to transmit the information that the read biological information and the
15 stored biological information have matched to a final end of transaction configured to start a
16 transaction with the client conditioned upon receipt of the information that the read biological
17 information and the stored biological information have matched (See Li Col. 16 Paragraph 2),
18 but Li failed to specifically disclose that memory 404 was a nonvolatile memory; or a second
19 server, a transmitting circuit for transmitting information that the read biological information and
20 the stored biological information have matched to the second server in a case where the checking
21 has matched, wherein the second server is configured to transmit the information that the read
22 biological information and the stored biological information have matched to a final end of

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1 transaction configured to start a transaction with the client conditioned upon receipt of the
2 information that the read biological information and the stored biological information have
3 matched, wherein the portable communication device is configured to communicate with the
4 second server only after the read biological information and the stored biological information
5 have matched.

6 However, Li did disclose that the portable communication device could be a phone (See
7 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
8 fingerprint capturing device including program code for processing, as well as temporary data (See
9 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
10 protocol to complete the connection" once the connection was authorized.

11 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
12 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as
13 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
14 1 Lines 6-18).

15 It would have been obvious to the ordinary person skilled in the art at the time of
16 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
17 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
18 the ordinary person skilled in the art would have been motivated to provide the needed memory
19 to Li in a small packaging area at a small cost.

20 Scott teaches that in a telephone system, a phone call can be placed from one PSTN to
21 another PSTN over the Internet using Voice over IP and two gateway servers, one on each end
22 of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

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1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teachings of Scott in the telephone communication system of Li by
3 connecting the telephone communication from the phone 102 to the recipient of the
4 communication via the system of Scott. This would have been obvious because the ordinary
5 person skilled in the art would have been motivated to bypass expensive long distance carriers.
6 In this combination, the server which reads fully on the claim language is the Gateway Server
7 220, which would not receive a connection from the phone until the connection was authorized,
8 as taught by Li, and would receive the information that the read biological information and the
9 stored biological information have matched to a final end of transaction configured to start a
10 transaction with the client conditioned upon receipt of the information that the read biological
11 information and the stored biological information have matched.

12

13 Regarding claim 83, Li disclosed a system for identifying a client, said system
14 comprising: a server (See Li Fig. 1 Element 106); a storing means comprising memory for
15 storing reference biological information of the client (See Li Fig. 4 Element 404); a reading
16 means for reading biological information of the client (See Li Fig. 4 Element 101); a checking
17 means for checking the read biological information with the reference biological information
18 (See Li Col. 10 Lines 61-65); a transmitting means for transmitting information that the read
19 biological information and the reference biological information have matched to the server in a
20 case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-
21 9); a final end of transaction (See Li Fig. 3B Step 319 Recipient and Col. 16 Paragraph 2); a
22 further transmitting means for transmitting said information that the read biological information

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1 and the reference biological information have matched from the server to the final end of
2 transaction with the client (See Li Fig. 3B Step 319 and Col. 16 Paragraph 2); and a transaction
3 starting means for starting a transaction between the client and the final end of transaction after
4 the final end of transaction has received said information that the read biological information and
5 the reference biological information have matched (See Li Fig. 3B Steps 316 and 319 and Col.
6 16 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile
7 memory; or a second server, a transmitting circuit for transmitting information that the read
8 biological information and the stored biological information have matched to the second server
9 in a case where the checking has matched, wherein the second server is configured to transmit
10 the information that the read biological information and the stored biological information have
11 matched to a final end of transaction configured to start a transaction with the client conditioned
12 upon receipt of the information that the read biological information and the stored biological
13 information have matched, wherein the portable communication device is configured to
14 communicate with the second server only after the read biological information and the stored
15 biological information have matched.

16 However, Li did disclose that the portable communication device could be a phone (See
17 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
18 fingerprint capturing device including program code for processing, as well as temporary data (See
19 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
20 protocol to complete the connection" once the connection was authorized.

21 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
22 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

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1 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
2 1 Lines 6-18).

3 It would have been obvious to the ordinary person skilled in the art at the time of
4 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
5 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
6 the ordinary person skilled in the art would have been motivated to provide the needed memory
7 to Li in a small packaging area at a small cost.

8 Scott teaches that in a telephone system, a phone call can be placed from one PSTN to
9 another PSTN over the Internet using Voice over IP and two gateway servers, one on each end
10 of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

11 It would have been obvious to the ordinary person skilled in the art at the time of
12 invention to employ the teachings of Scott in the telephone communication system of Li by
13 connecting the telephone communication from the phone 102 to the recipient of the
14 communication via the system of Scott. This would have been obvious because the ordinary
15 person skilled in the art would have been motivated to bypass expensive long distance carriers.

16 In this combination, the server which reads fully on the claim language is the Gateway Server
17 220, which would not receive a connection from the phone until the connection was authorized,
18 as taught by Li, and would receive the information that the read biological information and the
19 stored biological information have matched to a final end of transaction configured to start a
20 transaction with the client conditioned upon receipt of the information that the read biological
21 information and the stored biological information have matched.

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1 Regarding claims 54 and 66, Li, Nagayoshi, and Scott disclosed that the memory stores a
2 plurality of biological information of the client (See Li Col. 15 Paragraph 3 and Col. 3 Paragraph
3 3 and Col. 10 Paragraph 4), and the transmitting circuit transmits information that the read
4 biological information has matched with at least one of the stored plurality of information to the
5 server (See Li Col. 11 Lines 3-9).

6 Regarding claims 55 and 67, Li, Nagayoshi, and Scott disclosed that the sensor reads a
7 plurality of biological information of the client (See Li Col. 15 Paragraph 4), and the transmitting
8 circuit transmits information that each of the plurality of read biological information has matched
9 with at least one of the plurality of stored biological information (See Li Col. 11 Lines 3-9).

10 Regarding claims 56 and 68, Li, Nagayoshi, and Scott disclosed that the information that
11 the read biological information and the stored biological information have matched is transmitted
12 to the server through the Internet (See Li Col. 7 Paragraph 2).

13 Regarding claims 59-60, 73-74, and 78-79, Li, Nagayoshi, and Scott disclosed that the
14 biological information is one selected from the group consisting of a fingerprint, a palm pattern
15 and a voice print; and that the palm pattern is a whole pattern of the palm or a pattern of a part of
16 the palm (See Li Col. 6 Paragraph 3 and Col. 17 Paragraph 3).

17 Regarding claim 61, Li, Nagayoshi, and Scott disclosed that the memory includes a flash
18 memory (See the rejection of claim 1 above).

19 Regarding claim 62, Li, Nagayoshi, and Scott disclosed that the sensor includes one of a
20 photodiode and a CCD (See Li Col. 4 Paragraph 6).

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1 Regarding claims 63-65, 75-77, and 80-82, Li, Nagayoshi, and Scott disclosed that the
2 portable communication device comprises a portable information terminal; a portable telephone;
3 a personal computer (See Li Col. 5 Line 66 – Col. 6 Line 14).

4 Regarding claims 69-70, Li, Nagayoshi, and Scott disclosed a step of transmitting
5 information that the checking has matched from the server to a connection of the client; and that
6 a transaction is started between the client and the connection after the connection has received
7 information that the checking has matched (See Li Col. 16 Paragraph 2).

8 Claims 1, 26, 51, and 54-83 are rejected under 35 U.S.C. 103(a) as being unpatentable
9 over Li et al. (US Patent Number 6,219,793) hereinafter referred to as Li, and further in view of
10 Nagayoshi et al. (US Patent Number 6,839,798) hereinafter referred to as Nagayoshi, and further
11 in view of Teitelbaum (US Patent Number 5,872,834).

12 Regarding claims 1 and 26, Li disclosed a system for identifying a client (See Li
13 Abstract), the system comprising a server and a portable communication device, wherein the
14 portable communication device comprises: a memory for storing at least one reference biological
15 information of the client using the portable communication device (See Li Fig. 4 Element 404,
16 Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a sensor for reading at least one biological
17 information of the client (See Li Fig. 4 Element 417); a checking circuit for checking the read
18 biological information with the stored biological information (See Li Fig. 4 Element 401 and
19 Col. 12 Lines 8-36); and a transmitting circuit for transmitting information that the read
20 biological information and the stored biological information have matched to the server in a case
21 where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9),
22 wherein the server is configured to transmit the information that the read biological information

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1 and the stored biological information have matched to a final end of transaction configured to
2 start a transaction with the client conditioned upon receipt of the information that the read
3 biological information and the stored biological information have matched (See Li Col. 16
4 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile memory;
5 or that the portable communication device is configured to communicate with the server only
6 after the read biological information and the stored biological information have matched.

7 However, Li did disclose that the portable communication device could be a phone (See
8 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
9 fingerprint capturing device including program code for processing, as well as temporary data (See
10 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
11 protocol to complete the connection" once the connection was authorized.

12 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
13 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as
14 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
15 1 Lines 6-18).

16 It would have been obvious to the ordinary person skilled in the art at the time of
17 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
18 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
19 the ordinary person skilled in the art would have been motivated to provide the needed memory
20 to Li in a small packaging area at a small cost.

21 Teitelbaum teaches that in order to protect device, such as a telephone, from having its
22 features accessed by an illicit user, the phone should store biometric data of authorized users in

1 the phone, capture biometric input from a user, and compare the captured biometric information
2 with the stored biometric information, and in the event that there is a match, allowing access to
3 the features of the phone, and in the event that there is not a match, disabling the phone (See
4 Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

5 It would have been obvious to the ordinary person skilled in the art at the time of
6 invention to employ the teachings of Teitelbaum in the communication authentication system of
7 Li and Nagayoshi by storing biometric information of valid users of the communication device in
8 the device, capturing the users biometric data by the device, and comparing the two for a match,
9 and in the event of a match allowing the user to access the features of the phone, and in the event
10 of no match, disabling the phone. This would have been obvious because the ordinary person
11 skilled in the art would have been motivated to protect all of the features of the communication
12 device from illicit use.

13 Regarding claim 51, Li disclosed a business method using the Internet, said business
14 method comprising: identifying a client by an identifying element loaded in a portable
15 communication device (See Li Fig. 1 Elements 101, 102, and 112 and Fig. 4); and controlling a
16 communication between the client and a plurality of dealers (See Li Fig. 2 Element 202) by a
17 control element in a server (See Li Abstract, and Figs. 3A and 3B); wherein said identifying
18 comprises: storing a reference biological information of the client in a memory in the portable
19 communication device (See Li Fig. 4 Element 404 and Col. 10 Lines 57-65 and Col. 12 Lines
20 20-27); reading biological information of the client (See Li. Col. 10 Lines 57-58); checking the
21 read biological information with the reference biological information (See Li Col. 10 Lines 61-
22 65); and transmitting information that the read biological information and the reference

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1 biological information have matched from the identifying element to the control element in a
2 case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-
3 9), and wherein said controlling step comprises: admitting the communication between the client
4 and the plurality of dealers after identifying the client by the identifying element (See Li Col. 11
5 Lines 19-60); and providing a password to the client (See Li Col. 10 Lines 48-56), and wherein
6 the server is configured to transmit the information that the read biological information and the
7 stored biological information have matched to a final end of transaction configured to start a
8 transaction with the client conditioned upon receipt of the information that the read biological
9 information and the stored biological information have matched (See Li Col. 16 Paragraph 2),
10 but Li failed to specifically disclose that memory 404 was a nonvolatile memory; or that the
11 portable communication device is configured to communicate with the server only after the read
12 biological information and the stored biological information have matched.

13 However, Li did disclose that the portable communication device could be a phone (See
14 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
15 fingerprint capturing device including program code for processing, as well as temporary data (See
16 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
17 protocol to complete the connection" once the connection was authorized.

18 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
19 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as
20 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
21 1 Lines 6-18).

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1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
3 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
4 the ordinary person skilled in the art would have been motivated to provide the needed memory
5 to Li in a small packaging area at a small cost.

6 Teitelbaum teaches that in order to protect device, such as a telephone, from having its
7 features accessed by an illicit user, the phone should store biometric data of authorized users in
8 the phone, capture biometric input from a user, and compare the captured biometric information
9 with the stored biometric information, and in the event that there is a match, allowing access to
10 the features of the phone, and in the event that there is not a match, disabling the phone (See
11 Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

12 It would have been obvious to the ordinary person skilled in the art at the time of
13 invention to employ the teachings of Teitelbaum in the communication authentication system of
14 Li and Nagayoshi by storing biometric information of valid users of the communication device in
15 the device, capturing the users biometric data by the device, and comparing the two for a match,
16 and in the event of a match allowing the user to access the features of the phone, and in the event
17 of no match, disabling the phone. This would have been obvious because the ordinary person
18 skilled in the art would have been motivated to protect all of the features of the communication
19 device from illicit use.

20

21 Regarding claim 83, Li disclosed a system for identifying a client, said system
22 comprising: a server (See Li Fig. 1 Element 106); a storing means comprising memory for

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1 storing reference biological information of the client (See Li Fig. 4 Element 404); a reading
2 means for reading biological information of the client (See Li Fig. 4 Element 101); a checking
3 means for checking the read biological information with the reference biological information
4 (See Li Col. 10 Lines 61-65); a transmitting means for transmitting information that the read
5 biological information and the reference biological information have matched to the server in a
6 case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-
7 9); a final end of transaction (See Li Fig. 3B Step 319 Recipient and Col. 16 Paragraph 2); a
8 further transmitting means for transmitting said information that the read biological information
9 and the reference biological information have matched from the server to the final end of
10 transaction with the client (See Li Fig. 3B Step 319 and Col. 16 Paragraph 2); and a transaction
11 starting means for starting a transaction between the client and the final end of transaction after
12 the final end of transaction has received said information that the read biological information and
13 the reference biological information have matched (See Li Fig. 3B Steps 316 and 319 and Col.
14 16 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile
15 memory; or that the portable communication device is configured to communicate with the
16 server only after the read biological information and the stored biological information have
17 matched.

18 However, Li did disclose that the portable communication device could be a phone (See
19 Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the
20 fingerprint capturing device including program code for processing, as well as temporary data (See
21 Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling
22 protocol to complete the connection" once the connection was authorized.

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1 Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See
2 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as
3 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.
4 1 Lines 6-18).

5 It would have been obvious to the ordinary person skilled in the art at the time of
6 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the
7 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because
8 the ordinary person skilled in the art would have been motivated to provide the needed memory
9 to Li in a small packaging area at a small cost.

10 Teitelbaum teaches that in order to protect device, such as a telephone, from having its
11 features accessed by an illicit user, the phone should store biometric data of authorized users in
12 the phone, capture biometric input from a user, and compare the captured biometric information
13 with the stored biometric information, and in the event that there is a match, allowing access to
14 the features of the phone, and in the event that there is not a match, disabling the phone (See
15 Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

16 It would have been obvious to the ordinary person skilled in the art at the time of
17 invention to employ the teachings of Teitelbaum in the communication authentication system of
18 Li and Nagayoshi by storing biometric information of valid users of the communication device in
19 the device, capturing the users biometric data by the device, and comparing the two for a match,
20 and in the event of a match allowing the user to access the features of the phone, and in the event
21 of no match, disabling the phone. This would have been obvious because the ordinary person

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1 skilled in the art would have been motivated to protect all of the features of the communication
2 device from illicit use.

3 Regarding claims 54 and 66, Li, Nagayoshi, and Teitelbaum disclosed that the memory
4 stores a plurality of biological information of the client (See Li Col. 15 Paragraph 3 and Col. 3
5 Paragraph 3 and Col. 10 Paragraph 4), and the transmitting circuit transmits information that the
6 read biological information has matched with at least one of the stored plurality of information to
7 the server (See Li Col. 11 Lines 3-9).

8 Regarding claims 55 and 67, Li, Nagayoshi, and Teitelbaum disclosed that the sensor
9 reads a plurality of biological information of the client (See Li Col. 15 Paragraph 4), and the
10 transmitting circuit transmits information that each of the plurality of read biological information
11 has matched with at least one of the plurality of stored biological information (See Li Col. 11
12 Lines 3-9).

13 Regarding claims 56 and 68, Li, Nagayoshi, and Teitelbaum disclosed that the
14 information that the read biological information and the stored biological information have
15 matched is transmitted to the server through the Internet (See Li Col. 7 Paragraph 2).

16 Regarding claims 57 and 71, Li, Nagayoshi, and Teitelbaum disclosed that after
17 transmitting information that the checking has matched to the server, a personal identification
18 number information is sent to the Server (See Li Col. 15 Paragraphs 3-4).

19 Regarding claims 58 and 72, Li, Nagayoshi, and Teitelbaum disclosed that in a case that
20 the personal identification number matches with a number stored at the server, the stored
21 biological information is rewritable (See Li Col. 15 Paragraph 3).

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1 Regarding claims 59-60, 73-74, and 78-79, Li, Nagayoshi, and Teitelbaum disclosed that
2 the biological information is one selected from the group consisting of a fingerprint, a palm
3 pattern and a voice print; and that the palm pattern is a whole pattern of the palm or a pattern of a
4 part of the palm (See Li Col. 6 Paragraph 3 and Col. 17 Paragraph 3).

5 Regarding claim 61, Li, Nagayoshi, and Teitelbaum disclosed that the memory includes a
6 flash memory (See the rejection of claim 1 above).

7 Regarding claim 62, Li, Nagayoshi, and Teitelbaum disclosed that the sensor includes
8 one of a photodiode and a CCD (See Li Col. 4 Paragraph 6).

9 Regarding claims 63-65, 75-77, and 80-82, Li, Nagayoshi, and Teitelbaum disclosed that
10 the portable communication device comprises a portable information terminal; a portable
11 telephone; a personal computer (See Li Col. 5 Line 66 – Col. 6 Line 14).

12 Regarding claims 69-70, Li, Nagayoshi, and Teitelbaum disclosed a step of transmitting
13 information that the checking has matched from the server to a connection of the client; and that
14 a transaction is started between the client and the connection after the connection has received
15 information that the checking has matched (See Li Col. 16 Paragraph 2).

16

17

Conclusion

19 Claims 1, 26, 51, and 54-85 have been rejected.

20 Any inquiry concerning this communication or earlier communications from the
21 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
22 The examiner can normally be reached on M-F 8-4.

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1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
3 organization where this application or proceeding is assigned is 571-273-8300.

4 Information regarding the status of an application may be obtained from the Patent
5 Application Information Retrieval (PAIR) system. Status information for published applications
6 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
7 applications is available through Private PAIR only. For more information about the PAIR
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10 like assistance from a USPTO Customer Service Representative or access to the automated
11 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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18 /Matthew Henning/
19 Assistant Examiner
20 Art Unit 2131
21 12/6/2007


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